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OJJDP JUVENILE JUSTICE BULLETIN

Robert W. Sweet, Jr., Administrator

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OJJDP Helps States Remove Juveniles From Adult Jails and Lockups

Many of the thousands of young people taken into police custody and referred to the juvenile court each year can be released to parental custody to await court action. However, some—those who have committed serious crimes or who are at risk of becoming victims—must be removed from their homes pending court hearings. The small number of youth arrested for serious crimes need to be placed in secure juvenile detention facilities, and those at risk for victimization need to have a safe place to stay.

Historically, this has often meant placing young people in adult jails or lockups. Yet in these places juveniles are at risk of physical or sexual harm from adult prisoners. To protect them from such harm, some jail officials place the juveniles in solitary confinement, aggravating the psychological effects of jailing and in some extreme cases, leading to suicide. At the very least, young people in adult facilities are deprived of the educational and other services required in juvenile facilities.

The reasons for using jails to detain juveniles are many. Some communities lock up juvenile arrestees to keep them from getting into further trouble or to deter their peers. Others because they merely want to detain the juveniles long enough to ensure their appearance in court or to find more appropriate placement in other facilities. In rural areas, especially, adequate or secure juvenile facilities may not exist nearby.

Congress passes JJDP Act

Congress acted in 1974 to pass the Juvenile Justice and Delinquency Prevention (JJDP) Act, which established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice. This Office administers formula and discretionary grants to the States and territories to provide technical assistance to help jurisdictions come into compliance with the act's provisions. The act mandates that participating States remove status offenders (e.g., truants and runaways) and nonoffenders (e.g., abused and neglected youth) from juvenile detention and correctional facilities.

In addition it mandates that when juveniles and adults are detained in the same facilities, the juvenile detainees be outside the sight and the hearing of adult prisoners. In 1980, the act was amended to further require that the States remove all juveniles from adult jails and lockups.

In fiscal year 1989 alone, OJJDP distributed almost $46 million in formula grants

From the Administrator

It is the Federal Government's role to provide direction, coordination, leadership, and resources to help States and localities implement the mandates and goals of the Juvenile Justice and Delinquency Prevention (JJDP) Act.

To help States meet the mandate to remove juveniles from adult jails and lockups, OJJDP has taken a leadership role by providing a variety of technical assistance, programs, regional workshops, and public education initiatives. Besides awarding $46 million in formula grant funds to participating States last year, the Office has also made $4 million in discretionary grants available to help States improve their jail removal initiatives. In addition, helping States comply with the JJDP Act is one of OJJDP's program goals for fiscal year 1990.

This *Bulletin* describes OJJDP's efforts to help States in this area as well as the steps several States have taken to remove juveniles from adult jails and lockups. We hope this information can be useful to other jurisdictions seeking to improve their juvenile justice systems and comply with the JJDP Act.

Providing such information to juvenile justice practitioners is consistent with OJJDP's commitment to keep State and local jurisdictions informed about effective or promising programs on how public and private agencies can provide effective services while efficiently deploying their resources.

Robert W. Sweet, Jr.
Administrator

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and another $934,000 to support onsite technical assistance, regional workshops, and public education initiatives in States and local communities. For instance, OJJDP recently:

- Published nonsecure custody criteria in the *Federal Register* to explain to police officers alternative ways to handle juveniles in custody without violating the law.
- Incorporated a curriculum on custody in its management training program for State and local law enforcement officials.
- Conducted a workshop to help police departments in large cities deal with lockup removal problems unique to them.
- Conducted a train-the-trainer seminar to enable State Advisory Group leaders to provide technical assistance to their colleagues.
- Developed an intensive training curriculum for States that have had to ask for a waiver of termination from the program because they have been unable to meet the jail removal mandate.

Jail Removal Definitions*

Eligible State. An eligible State is any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Substantial Compliance. A State is in substantial compliance if it has removed not less than 75 percent of juveniles from jails and lockups for adults and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 3 additional years.

*From JJDP Act as amended in 1988.

OJJDP's National Jail Removal Initiative

As part of its discretionary grant program, OJJDP's first project, the National Jail Removal Initiative, focused attention on rural areas, where jail was frequently the only place police could detain juveniles. Depressed local economies, low tax bases, and long distances to the closest secure juvenile detention center or community-based shelter home created substantial obstacles to other alternatives.

Twenty-three sites in 13 States participated in the $5.3 million project. At each site, the first step was to organize a task force to define the problems and identify what needed to be done and who could do it. Out of this preliminary work, each site developed a "jail removal" plan that included some or all of the following actions:

- Establishing intake screening units.
- Developing and applying specific and objective detention criteria.
- Building a network of alternative services.
- Inviting community leaders, police, and court officials to participate in program planning.

After implementing their plans, 20 of the 23 sites were able to provide nonsecure detention to their juveniles (only 5 had been able to do so before). Eight of the sites succeeded in removing all juveniles from their adult jails and lockups, and in the remaining 15, decreases in juvenile jailings ranged from 23 to 98 percent.

All this took place without any rise in the predisposition rearrest rate or the failure-to-appear rate. In addition, the predisposition rearrest rate decreased overall from 3.9 to 2.1 percent, and the failure-to-appear rate remained virtually unchanged.

What contributed to this success? The successful sites established 24-hour intake centers where trained personnel used specific, objective detention criteria to determine appropriate juvenile placements. Law enforcement cooperated fully with the intake staff, allowing them control over initial placement decisions.

The most effective plans also included provisions for secure juvenile detention, either onsite or through purchase-of-care agreements, as well as a core of alternative placement options.

Finally, the sites prepared written policies and procedures to guide the process. They routinely monitored implementation of the plan and of placement decisions by tracking and reviewing intake and detention records. And they obtained active community support for both program planning and funding.

Bringing States into compliance with the JJDP Act

The JJDP Act called for removal of all juveniles from adult jails and lockups by the end of 1988. In September 1987, OJJDP awarded $50,000 discretionary grants for enhancing their jail removal efforts to 20 States that were not yet in compliance. The project was called Jail Removal I (JRI–1).

Community Research Associates, an OJJDP grantee that had successfully helped 13 States under the earlier $5.3 million National Jail Removal Initiative, provided onsite consultation to help remove obstacles to compliance that were specific to each of these States. CRA also established a clearinghouse on legislation, model programs, alternative services, pertinent case laws, public education, and intake screening procedures to speed the removal of juveniles from adult facilities.

Most of the States participating in JRI–1 identified one or two key barriers to achieving compliance, such as overextended staff, inappropriate use of police lockups, insufficient monitoring of jails and lockups to enforce the mandate, inadequate training of intake staff, judicial resistance, lack of appropriate alternatives, and absence of 24-hour intake services. Many cited the lack of coordinated State services, inadequate funds to support alternatives, little awareness of alternative resources, and lack of impetus to effect systemwide changes.

One solution that many States adopted was to hire a central coordinator to put into action the various components of the jail removal plan and to spur interagency cooperation and problem solving at the

local level. The coordinators were able to engage the attention of State officials to the local problem and to obtain needed assistance.

In September 1988, OJJDP launched a second round of funding, called Jail Removal II (JRI–2), awarding $3 million in discretionary funds to help 17 States and one insular area that had not achieved at least a 75-percent reduction in the number of juveniles in adult jails and lockups.

OJJDP required the 17 States to demonstrate their commitment to full compliance with the JJDP Act by allocating a minimum of 40 percent of their 1988 formula grant funds to jail removal projects; ensuring coordination among the State agencies responsible for implementing the jail removal plan; and obtaining from the Chief Executive or State legislature an unequivocal commitment to removing juveniles from adult jails and lockups.

OJJDP identified specific activities that could be supported with the discretionary funds. The States could use the money to develop operating guidelines for temporary holding facilities, home detention, intake screening and detention criteria, and transportation. They could establish temporary holding facilities, recruit and train "youth attendants" to provide support services for local juvenile justice agencies, and reimburse local governments for the cost of providing support services.

Currently, the States are implementing their jail removal plans. Significant legislative and executive policy changes as well as increased alternative programming are expected to result from JRI–2.

State experience since the JJDP Act

State leaders, including elected officials, State Advisory Groups, youth advocates, and juvenile justice professionals, have been working to bring their jurisdictions into compliance as quickly as possible. The way they tackled the job varied from State to State. Michigan, for example, established a network of nonsecure holdovers and a home detention program. Colorado set up a transportation system using off-duty police officers to take juveniles to and from regional juvenile detention centers. Other States—California and Tennessee, for example—have taken the legislative route, with laws now on the books prohibiting juvenile jailings.

The experience of five States—Idaho, Missouri, New Jersey, North Carolina, and Ohio—shows the range of approaches that have been taken nationwide.

Idaho. During 1980, 7,469 Idaho juveniles were held in 40 jails. There were no State laws on the subject and no standardized criteria to guide decisions about juvenile detention. Since then Idaho has undertaken an intensive education campaign to make juvenile justice professionals, legislators, and the public aware of what the JJDP Act mandated.

The State Advisory Group earmarked a substantial portion of the State's formula grant funds for activities to keep youth out of jails, and OJJDP awarded the State two jail removal grants.

All this attention and activity culminated in the judiciary's implementation of statewide detention criteria and the legislature's establishment of a bipartisan committee to study the State's juvenile justice system. The legislature passed the Idaho Juvenile Justice Reform Act to provide a continuum of care in juvenile services.

At the regional level, innovative activities took place as well. One region of the State developed a transportation system, including vans and drivers, to take young offenders to distant juvenile detention facilities or alternative programs to avoid the jail alternative.

And finally, the Governor issued an executive order for the removal of all juveniles from adult jails. By 1986, the State's monitoring report showed that 1,744 juveniles were held in 37 jails, a 76.6-percent reduction in violations of the jail removal requirement.

Missouri. During 1982, Missouri reported 768 juveniles held in adult jails and lockups. Several studies—by the Missouri Juvenile Justice Review Committee, the Department of Public Safety Juvenile Justice Specialist, and a number of Missouri counties—were conducted to find out why the practice continued and what could be done about it.

The result was the formation of the Juvenile Justice Association, charged with working closely with the Department of Public Safety. With the cooperation of judges and county commissioners and technical assistance from OJJDP, the association conducted a statewide educational campaign and put on a series of training workshops. The State hired a special technical assistant to work directly with the counties on solving the problem.

Missouri passed and implemented jail removal legislation in 1986. This resulted in the State's compliance with Section 223 (a) (14) of the JJDP Act, and a dramatic decline in the number of juveniles held in adult jails and lockups.

New Jersey. Despite the fact that New Jersey passed jail removal legislation as early as 1974, the State reported 49 cases of noncompliance in 1980. Municipal lockups were the main problem. So the Department of Corrections' Juvenile Detention and Monitoring Unit, established in 1978 to help monitor compliance with the JJDP Act, began to monitor all municipal lockups, working closely with the Department of Corrections' Bureau of County Services.

The unit also started training law enforcement professionals and promulgating standards and administrative rules to ensure compliance with the State's Juvenile Code, which contains many protections for juveniles in custody. In 1987, New Jersey reported 25 jail removal violations out of 107,781 admissions monitored during the year, a rate that qualifies the State for full compliance.

North Carolina. In its 1979–1980 session, the North Carolina legislature passed a law against detaining juveniles in jail, to take effect July 1, 1983. As the deadline approached, it was feared that the space in juvenile detention centers

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The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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